

Patent Application of MURASAKI et al.
Serial No.: 08/828,417
Art Unit: 3713

REMARKS

This Amendment is in response to the Office Action mailed March 22, 1999. The Examiner's comments have been carefully considered.

Applicants herewith request a two-month extension of time to extend the due date for response herein to August 22, 1999, and also request that the \$380.00 fee for this extension be charged to our account 10-0100.

The disclosure has been objected to for reasons set forth in paragraph 1 on page 2 of the Office Action. The specification has been revised to overcome the specific objections raised by the Examiner.

The Examiner has also objected to the last paragraph on page 16 of the application as originally filed. The paragraph that has been objected to has been deleted, obviating the necessity to file an affidavit or declaration.

Claims 1 and 18 have been rejected as being informal for reasons set forth in paragraph 3 of page 3 of the Office Action. These claims have been rewritten as new claims 23 and 34, addressing the objections raised by the Examiner. It is respectfully submitted that the rejections that have been raised have been overcome.

Claim 5 has been rejected under 35 U.S.C. §112 for reasons set forth in paragraph 4 bridging pages 3 and 4 of the Office Action. The specification, at page 9, lines 11-21, makes it clear that there are two basic types of information. The first is information that does not change

Patent Application of MURASAKI et al.
Serial No.: 08/828,417
Art Unit: 3713

with the state of progress of the game, but may change from game to game or change continuously independently of the progress of the game. The examples given in the specification of the first type of data are the players numbers or elapsed time. Clearly, this type of data may be fixed or variable but is not a function of the progress of the game or the specific events taking place during the game. The second type involves specific events of the game and, in those instances, the wild cards allow the creation of phrases that reflect the progress of the game or special events that take place during the game and, in those instances, may additionally incorporate data from the first category, namely, the player's name. Such an example is set forth in the specification, namely, "(player's name) is keeping close possession of the ball." Here, a constant factor, namely, the player's name, is incorporated in an expression or phrase that reflects a specific event that occurs as a result of the progress of the game. Accordingly, it is believed that the specification does support the language of original claim 5. Claim 27, which replaces claim 5, while slightly reworded, is also believed to be supported by the specification. Withdrawal of this rejection is, therefore, respectfully requested.

The rejection of claim 8 for reasons set forth in paragraph 6 of the Office Action has been addressed in new claim 29.

In view of the revisions to the specification and to the claims, it is respectfully submitted that all of the rejections under 35 U.S.C. §112 have been overcome.

Claims 1-22 have been rejected based upon the prior art for reasons set forth in paragraphs 7 and 9 on basis of the patent to Murata '743, singly or in combination with the

Patent Application of MURASAKI et al.
Serial No.: 08/828,417
Art Unit: 3713

secondary patents to Lowe, Best '073, Best '152 and Ostrover et al. The prior art rejections are respectfully traversed, particularly in light of the revised claims and the remarks that follow.

The claimed invention in independent claim 1 (18, 19) (now claim 23) discloses a scheme wherein after selecting a phrase database pursuant to the game progress, command data is selected among this phrase database, and the phrase data is output based on this command data. That is, in the claimed invention, a plurality of command data correspond to a single situation of progress of a game. Therefore, the claimed invention does not output the same phrase for a specific situation of progress of a game.

In this respect, Murata merely discloses a scheme of outputting a particular phrase in accordance with a game process. Thus, Murata outputs the same phrase for a particular situation of a progress in a game. Moreover, although it is described in Murata that a plurality of phrases having the same meaning are made to correspond to a single situation, this merely suggests that one phrase is made to correspond to one situation, for example, to the respective situations of with or without runners on bases when the batter "gets a base hit."

As the same arguments may be made for the original dependent claims 2-12 (20-22), such claims 2-12 (20-22) also contain patentable subject matter.

Patent Application of MURASAKI et al.
Serial No.: 08/828,417
Art Unit: 3713

In view of all of the foregoing, it is believed that this application is now in condition for allowance. Early allowance and issuance is, accordingly, respectfully solicited.

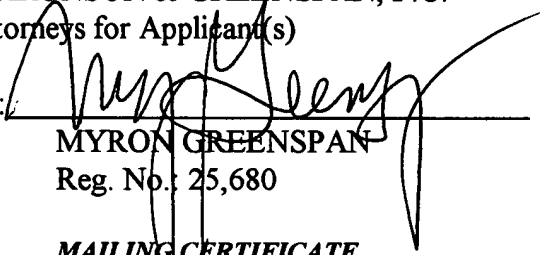
Dated: August 23, 1999

LACKENBACH SIEGEL MARZULLO
ARONSON & GREENSPAN, P.C.
Lackebach Siegel Building
One Chase Road
Scarsdale, NY 10583
(914) 723-4300

MG/as

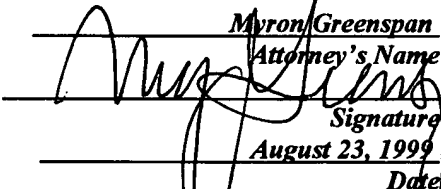
Respectfully submitted,

LACKENBACH SIEGEL MARZULLO
ARONSON & GREENSPAN, P.C.
Attorneys for Applicant(s)

By: 
MYRON GREENSPAN
Reg. No.: 25,680

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Services as first-class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date indicated below:



Myron Greenspan
Attorney's Name

Signature

August 23, 1999
Date

Applicant hereby petitions that any and all extensions of time of the term necessary to render this response timely be granted. Costs for such extension(s) and/or any other fee due with this paper that are not fully covered by an enclosed check may be charged to Deposit Account #10-0100.